IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 20532 of 2007(T)

AGAINST THE ORDER IN EP.656/2001 IN OS.127/1995 of II ADDL.SUB COURT,THRISSUR
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PETITIONER:

ROSA, AGED 68, W/O. LATE RAPPAI,
PAYYAPPILLY HOUSE, KUTTANELLUR DESOM,
MARATHAKARA VILLAGE, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. SURESH MOHAN, S/O. MOHAN,
KANJIRAPARAMBIL HOUSE, VALAPPAD VILLAGE DESOM,
CHAVAKKAD TALUK.

2. THE STATE BANK OF INDIA,
KARALAM BRANCH, REP. BY ITS MANAGER,
KARALAM P.O., THRISSUR DISTRICT.

3. P.V.VAREED, S/O. PORINCHU,
PALLIPURATH HOUSE, VALLACHIRA, THRISSUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 20532 OF 2007

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Dated this the 4th day of July, 2007.

J U D G M E N T

This writ petition is filed seeking a direction to the Subordinate Judge, Thrissur to issue a carbon copy or certified copy of the order in E.A.638/04 and till such time defer the delivery.

2. A perusal of the writ petition would reveal that the execution application was dismissed on15.6.07 and the party has applied for a copy on 18.6.07. Being an appealable decree the party's opportunity should not be shut out and if delivery is ordered it will jeoparadise his right. Therefore, I am inclined to allow this writ petition and direct the Court below to give a carbon copy/certified copy as early as possible and not later than 2 weeks from today and till such copy is issued the Court is directed not to proceed with he delivery. The Court may bear in mind that it has to give a weeks time after the issuance of the copy so as to enable the party to prefer an appeal before the appropriate authority.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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